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Attorneys for Defendant
WASTE CONNECTIONS US, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

ALFONSO DIAZ, on behalf of
himself and all others similarly
situated,

Plaintiff,

v.

WASTE CONNECTIONS US, INC.,
a Delaware corporation; and DOES 1
to 10, inclusive,

Defendant.

Case No. 2-22-cv-01343-KJM-DB

**STIPULATION AND ORDER TO
STAY PROCEEDINGS AND
WITHDRAW DEFENDANT'S
MOTION TO DISMISS**

Date: October 28, 2022
Time: 10:00 a.m.
Dept.: Courtroom 27, 8th floor

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Plaintiff Alfonso Diaz (“Plaintiff”) and Defendant Waste Connections US, Inc. (“Defendant”) (collectively, the “Parties”), by and through their respective counsel of record, hereby agree and stipulate as follows:

1. Upon approval of this Stipulation, Defendant withdraws its currently pending motion to dismiss, or in the alternative, motion for a discretionary stay, pursuant to the first-to-file rule (Dkt. Nos. 4, 4-1, 4-2, and 4-3) without prejudice.
2. The Parties agree to stay the present action, including the Pre-Trial Scheduling Status and Rule 26(f) Conference set for October 14, 2022 (Dkt. Nos. 14 and 15) until sixty (60) days after the completion of mediation of the related matter of *Pedro Huerta v. Waste Connections US, Inc., et al.* (California Superior Court, County of Kings, Case No. 21C-0109) (“*Huerta*”), currently set for November 8, 2022, because resolution in the *Huerta* matter will be useful to assist in resolving this case, in part because resolution of the *Huerta* matter will impact the overlapping claims between the present action and the *Huerta* matter, and will allow the parties to avoid duplicative actions and motion practice.

STIPULATED AND AGREED.

[SIGNATURES ON FOLLOWING PAGE]

1 Dated: October 17, 2022

LITTLER MENDELSON, P.C.

2
3 /s/ Gregory G. Iskander

4 Gregory G. Iskander

5 Daniel XuLi

Attorneys for Defendant

WASTE CONNECTIONS US, INC.

6
7 Dated: October 17, 2022

BRADLEY/GROMBACHER, LLP

8
9 /s/ Marcus Bradley

10 Marcus Bradley

Kiley Grombacher

Lirit King

Attorneys for Plaintiff ALFONSO

DIAZ

ORDER

Pursuant to the Parties' Stipulation, and good cause appearing, **IT IS HEREBY ORDERED THAT:**

1. This case is hereby stayed for all purposes, including the Pre-Trial Scheduling Status and Rule 26(f) Conference until sixty (60) days after the completion of mediation in *Pedro Huerta v. Waste Connections US, Inc., et al.* (California Superior Court, County of Kings, Case No. 21C-0109); and

2. Defendant's currently pending motion to dismiss, or in the alternative, motion for a discretionary stay, pursuant to the first-to-file rule (Dkt. No. 4, 4-1, 4-2, and 4-3) is withdrawn without prejudice.

3. The Parties shall file a status report on or before January 8, 2023.

DATED: October 25, 2022.


CHIEF UNITED STATES DISTRICT JUDGE